

Docket No: 02821.P004X

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Under Application of: )  
Scott, et al. )  
Application No.: 09/955,394 )  
Filed: September 18, 2001 )  
For: Enhancing Utility and Diversifying )  
Model Risk in a Portfolio )  
Optimization Framework )

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION  
(FILING DATE GRANTED)

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed October 26, 2001, please find enclosed:

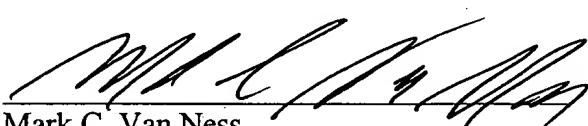
- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. §1.16(l);
- (3) a check in the amount of \$920.00 as payment for a three-month extension of time to respond to the Notice to File Missing Parts of Nonprovisional Application;
- (4) a copy of the Notice to File Missing Parts of Nonprovisional Application;

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 3/26/02

  
Mark C. Van Ness  
Reg. No. 39,865

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(303) 740-1980

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

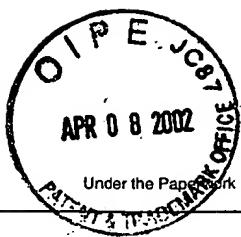
Date of Deposit: March 26, 2002

Name of Person Mailing Correspondence: Fran C. Rolfsen

  
Signature

3-26-02  
Date

BEST AVAILABLE COPY



## FEE TRANSMITTAL FOR FY 2002

TOTAL AMOUNT OF PAYMENT (\$) \$ 1,050.00

## Complete if Known:

Application No. 09/955,394

Filing Date September 18, 2001

First Named Inventor Jason S. Scott, et al.

Group Art Unit 2161

Examiner Name Not yet assigned

Attorney Docket No. 02821.P004X

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2.  Payment Enclosed:

Check  
 Money Order  
 Other

## FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
101	740	201	370
106	330	206	165
107	510	207	255
108	740	208	370
114	160	214	80
		Utility application filing fee	_____
		Design application filing fee	_____
		Plant filing fee	_____
		Reissue filing fee	_____
		Provisional application filing fee	_____

SUBTOTAL (1) \$ \_\_\_\_\_

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	- 20** = _____	X	= _____
Independent Claims	- 3** = _____	X	= _____
Multiple Dependent			= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity	Small Entity	Fee Description
Fee	Fee	Fee
Code	(\$)	Code
103	18	203
102	84	202
104	280	204
109	84	209
110	18	210
		Claims in excess of 20
		Independent claims in excess of 3
		Multiple dependent claim, if not paid
		**Reissue independent claims over original patent
		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ \_\_\_\_\_

04/03/2002 04001001 070305054

02 PUS17

04/03/2002

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	65
127	50	227	25
139	130	139	130
147	2,520	147	2,520
099	8,800	099	8,800
112	920*	112	920*
113	1,840*	113	1,840*
115	110	215	55
116	400	216	200
117	920	217	460
118	1,440	218	720
128	1,960	228	980
119	320	219	160
120	320	220	160
121	280	221	140
138	1,510	138	1,510
140	110	240	55
141	1,280	241	640
142	1,280	242	640
143	460	243	230
144	620	244	310
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
146	740	246	370
149	740	249	370
179	740	279	370
169	900	169	900
Other fee (specify) _____			
Other fee (specify) _____			

**SUBTOTAL (3) \$ 1,050.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Mark C. Van Ness

Signature: Mark C. Van Ness Date: 3/26/02

Reg. Number: 39,865 Telephone Number: 303-740-1980



Our Docket No: 02821.P004X

*Keely #3*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: )  
Scott, et al. )  
Examiner: Not yet assigned  
Application No.: 09/955,394 )  
Art Unit: 2161  
Filed: September 18, 2001 )  
For: Enhancing Utility and Diversifying )  
Model Risk in a Portfolio )  
Optimization Framework )

U.S. Patent and Trademark Office  
Application Processing Division  
Customer Correction Branch  
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

Dear Sir:

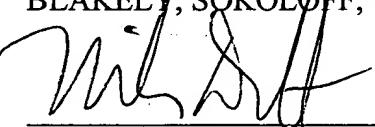
In review of the Filing Receipt for the above-referenced patent application, the following error was found. Please correct the Filing Date for this application as follows:

Replace "09/18/2001" with --09/17/2001--

Enclosed for your reference is a copy of the official Filing Receipt form with the change noted thereon, a copy of the United States Postal Service Express Mail Post Office to Addressee form indicating the patent application was deposited for mailing on 9/17/01 at 4:45 p.m., and a copy of the returned post card from the U.S. Patent and Trademark Office indicating the Date Mailed was 9-17-01. Please make the appropriate corrections to your records, and forward a corrected filing receipt to the undersigned.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/28/02

  
Michael A. DeSanctis  
Reg. No. 39,957

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(303) 740-1980

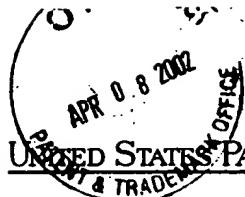
**BEST AVAILABLE COPY**

FIRST CLASS CERTIFICATE OF MAILING  
I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
Date of Deposit: March 28, 2002  
Name of Person Mailing Correspondence: Fran C. Rolfsen

Fran C. Rolfsen  
Signature

3-28-02  
Date

JHS



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D.	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/955,394	09/18/2001 09/17/2001	2161	1408	02821.P004X	10	41	7

CONFIRMATION NO. 1548

Michael A. DeSanctis  
 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN L  
 Seventh Floor  
 12400 Wilshire Boulevard  
 Los Angeles, CA 90025-1026

## FILING RECEIPT



**RECEIVED**  
OCT 30 2001

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN**  
LOS ANGELES

Date Mailed: 10/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jason S. Scott, Menlo Park, CA;  
 Christopher L. Jones, Redwood Shores, CA;  
 James W. Shearer, Residence Not Provided;  
 John G. Watson, Menlo Park, CA;

**ENTERED**  
OCT 30 2001

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/151,715 09/11/1998 PAT 6,292,787

**STATUS DB-1A**

## Foreign Applications

If Required, Foreign Filing License Granted 10/25/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Enhancing utility and diversifying model risk in a portfolio optimization framework

## Preliminary Class

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



EXPRESS MAIL		POST OFFICE TO ADDRESSEE		ADDRESS: 999 55 USA	
		UNITED STATES POSTAL SERVICE		POSTAL SERVICE	
ORIGIN (POSTAL USE ONLY)		TO (PRINTED NAME)		TO (PRINTED NAME)	
PO BOX 821		821		821	
Date of Mailing		Date of Delivery		Date of Receipt	
9/1/01		9/1/01		9/1/01	
Time		Time		Time	
11 AM		11 AM		11 AM	
Postage		Postage		Postage	
\$ 16.25		\$ 16.25		\$ 16.25	
Return Receipt Fee		Return Receipt Fee		Return Receipt Fee	
<input type="checkbox"/> Insured		<input type="checkbox"/> Insured		<input type="checkbox"/> Insured	
Weight		Weight		Weight	
12 lbs		12 lbs		12 lbs	
Ibs.		Ibs.		Ibs.	
Oz.		Oz.		Oz.	
No Delivery		Acceptance of Liability		Acceptance of Liability	
<input type="checkbox"/> No Delivery		<input type="checkbox"/> Acceptance of Liability		<input type="checkbox"/> Acceptance of Liability	
Customer's Signature		Customer's Signature		Customer's Signature	
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Check, Banker's Draft, A/C No.		Check, Banker's Draft, A/C No.		Check, Banker's Draft, A/C No.	
FROM: (PLEASE PRINT)		TO: (PLEASE PRINT)		FROM: (PLEASE PRINT)	
PHONE: (1-800-222-1211)		PHONE: (1-800-222-1211)		PHONE: (1-800-222-1211)	
BLAKELY & SUNDLOFF, TAYLOR 821 PARK AVENUE DENVER, CO 80237-2835		BOX 821 PATENT ASSISTANT APPLICATION FOR PATENTS WASHINGTON, DC 20231-0999		BLAKELY & SUNDLOFF, TAYLOR 821 PARK AVENUE DENVER, CO 80237-2835	
SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMITS ON INSURANCE COVERAGE					
 					
Customer Copy Label 11-F August 2000.					

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**RECEIVED**  
SEP 28 2001

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LOS ANGELES

PO04  
9/11/01

Serial/Patent No.: Unassigned Filing/Issue Date: Concurrently

Client: Financial Engines, Inc.

Title: Enhancing Utility and Diversifying Model Risk in a Portfolio Optimization Framework

BSTZ File No.: 02821.P004X

Atty/Secty Initials: MAD/fr

Date Mailed: 9-17-01

Docket Due Date: \_\_\_\_\_

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

Amendment/Response (\_\_\_\_ pgs.)  
 Appeal Brief (\_\_\_\_ pgs.) (in triplicate)  
 Application - Utility (\_\_\_\_ pgs., with cover and abstract)  
 Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)  
 Application - Rule 1.53(b) Divisional (\_\_\_\_ pgs.)  
 Application - Rule 1.53(b) CIP 49 pgs.)  
 Application - Rule 1.53(d) CPA Transmittal (\_\_\_\_ pgs.)  
 Application - Design (\_\_\_\_ pgs.)  
 Application - PCT (\_\_\_\_ pgs.)  
 Application - Provisional (\_\_\_\_ pgs.)  
 Assignment and Cover Sheet  
 Certificate of Mailing  
 Declaration & POA (\_\_\_\_ pgs.)  
 Disclosure Docs & Oig & Cpy of Inventor's Signed Letter (\_\_\_\_ pgs.)  
 Drawings: 10 # of sheets includes 12 figures  
 Other: \_\_\_\_\_

Express Mail No: EL886506955US

Check No: 1889

Amt: \$1,408.00

Check No: \_\_\_\_\_

Amt: \_\_\_\_\_

**09/955394**

09/17/01

~~jc971 U.S. PTO~~

**09/955394**

~~jc971 U.S. PTO~~

**09/18/01**

Linda Montes

Due date 12/18/2001 Client Name Financial Engines, Inc.

Docket Initial M 2821.P004x

Dock. Sup. Initial M JHS TMC MAD

Atty/Initial \_\_\_\_\_

Pat/Ser/Reg 955,394

Description

3 month deadline to file prior art disclosure and check related cases (based on filed US application).

19

Due date 1/18/2002 Client Name Financial Engines, Inc.

Docket Initial M 2821.P004x

Dock. Sup. Initial M JHS TMC MAD

Atty/Initial \_\_\_\_\_

Pat/Ser/Reg 955,394

Description

Deadline within in which to amend to reflect the claim of priority

24 X

Due date 3/18/2002 Client Name Financial Engines, Inc.

Docket Initial M 2821.P004x

Dock. Sup. Initial M JHS TMC MAD

Atty/Initial \_\_\_\_\_

Pat/Ser/Reg 955,394

Description

114

F letter (based on CIP filing date)

Due date 6/18/2002 Client Name Financial Engines, Inc.

Docket Initial M 2821.P004x

Dock. Sup. Initial M JHS TMC MAD

Atty/Initial \_\_\_\_\_

Pat/Ser/Reg 955,394

Description

3 months remaining to F/F (based on CIP filing date)

115



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/955,394	09/18/2001	Jason S. Scott	02821.P004X

Michael A. DeSanctis  
BLAKELY, SOKOLOFF, TAYLOR & ZAF  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

PERIODICALS ENTERED

A standard linear barcode is located at the bottom of the page, spanning most of the width. It is used for document tracking and identification.

\*OC000000006977366\*

Date Mailed: 10/26/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

---

## Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/03/2003 08:57:08 1 30000021 05733334

G3-EG-103